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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,898	10/20/2004	Gaetan Offredo	Q83178	6422
23373 7590 06/29/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER COLAN, GIOVANNA B				
ART UNIT		PAPER NUMBER		
2162				
NOTIFICATION DATE		DELIVERY MODE		
06/29/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com  
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**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/511,898

**Applicant(s)**

OFFREDO ET AL.

**Examiner**

GIOVANNA COLAN

**Art Unit**

2162

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/John Breene/  
Supervisory Patent Examiner, Art Unit 2162

/G. C./  
Examiner, Art Unit 2162

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant argues that the applied art fails to disclose; "a management module coupled to the network data processing module comprising the first memory containing a first table".

The examiner respectfully disagrees. The applied art does disclose: a management module coupled to said network data processing module, said management module comprising a first memory containing a first table (Fig. 3, Col. 3 and 4, lines 54 - 67 and 1; respectively, Coss).

2. Applicant argues that the applied art fails to disclose; "wherein said at least one primary metarule is specified according to a string of characters containing a place- holder for each parameter of said primary metarule that is not statically defined, wherein the place-holder is relevant to the rule".

The examiner respectfully disagrees. The applied art does disclose: wherein said at least one parameterized rule is specified according to a string of characters containing a place-holder for each parameter of said parameterized rule that is not statically defined (Col. 4, lines 15 - 21). "When a category provided for in the rule table is irrelevant in a certain rule, the corresponding table entry can be marked as a 'wild card'. This can apply to any one or any combination of categories. In Fig. 3, and elsewhere, an asterisk (\*) is used for wild card entries. 'FTP' stands for 'file transfer protocol', also note that a "wild card" is a symbol that can represent one or a set of other characters. A common wild-card character is the asterisk (\*). For example, the disk command DELETE L\* would cause deletion of files LONG, LAME, LIMB. The examiner interprets the wild card "" as the string of characters containing a place holder for each parameter...that is not statically defined, since the wild card "" represents the character/s and places/positions of a dynamic/changing/non-static rule), wherein the place-holder is relevant to the rule (Col. 4, lines 15 - 21, wherein as shown in Fig. 3, for example: "" corresponds to "DEST. HOST" of rule 20, Coss. The examiner notes that applicant's remarks dated 06/08/2009 state that support of the amended limitation can be found in Page 15, lines 34- page 16, line 2. The passage cited by applicant and the rest of the specification disclose that the place-holder corresponds to the ISP address. Thus, in view of the specification and applicants remarks, the examiner interprets: place-holder is relevant to the rule as a place-holder that corresponds to an ISP address).

3. Applicant argues that the applied art fails to disclose; "management module comprises a second memory containing a second table".

The examiner respectfully disagrees. The applied prior art does disclose: said management module further comprising a second memory containing a second table (Fig. 3 and 4, Col. 5, lines 51 - 57; wherein the rule no. in table of Fig. 4 corresponds to rule no. in table of Fig. 5, Coss).

4. Applicant argues that the applied art fails to disclose; "that the table stores sets of at least one primary rule, called 'primary metarules,' in a parameterizable form and in corresponding relationship to primary identifiers".

The examiner respectfully disagrees. The applied prior art does disclose: a first table storing sets of at least one primary rule, called "primary metarules", in a parameterizable form and in corresponding relationship to primary identifiers and (Fig. 3, Col. 2 and 4, lines 37 - 41 and 1 - 6; Coss discloses dynamic rules which values, such as, host, can be modified; which corresponds to a parameterizable form as claimed; respectively, Coss).

5. Applicant argues that the applied art fails to disclose; "on receipt of auxiliary data representing operating parameters that request reconfiguration of the control means".

The examiner respectfully disagrees. Coss/Bellinger does disclose: on receipt of auxiliary data representing operating parameters that request reconfiguration of the control means, the auxiliary data delivery by said control means after reception by the data processing server of the secondary data that requires reconfiguration of the control means ([0077], Bellinger).

6. Applicant argues that the applied art fails to disclose; "wherein the primary metarule comprises one of definitions and prototypes of sets of the least one primary rule".

The examiner respectfully disagrees. The applied art does disclose: wherein the primary metarule comprises one of definitions and prototypes of sets of the least one primary rule (Fig. 3, Col. 2 and 4, lines 37 - 41 and 1 - 6; respectively, Coss).